

# Refuse Ordinance – Review

Draft: February 11, 2011

**Sections 7-3-101 to 199, inclusive. Refuse - general provisions.**

**Sections 7-3-101. Definitions.**

A. The term "**refuse**" or "**solid waste**" as used in this chapter shall be interpreted to mean kitchen waste, an accumulation of animal and vegetable matter which attends the preparation, cooking, and eating of food; cans, bottles, paper, other waste materials ordinarily originating in a household, but excluding yard waste, tree limbs, industrial by-products, building materials other than approved by the director of public works office, ashes, dirt, concrete, asphalt, sewage and body wastes.

~~B. the term "**health officer**" shall mean the city health officer or sanitary officer of the city or his duly authorized agent.~~

B ~~C~~. The term "**owner**" shall mean the actual owner of the building or real estate, either individual, partnership, or corporation, the agent of the owner in charge of such property, or the person to whom any rental on such property is paid. In case of buildings or real estate leased under the agreement that the lessee is responsible for maintenance and repairs, the lessee in such cases will be considered the "owner" for the purpose of this chapter.

C ~~D~~. The term "**occupant**" shall mean the individual, the partnership, or the corporation that has the use of the building or real estate, either residence or commercial, or a part or a portion thereof, whether the actual owner, tenant, or sub-tenant. In the case of vacant buildings, residence or commercial, or any vacant portion of the building or real estate, the owner, agent or custodian shall have responsibility of an "occupant" of said property.

In the case of a multiple family building or residence, each family shall have the responsibility of the "occupant" of said building.

D ~~E~~. The term "**business building**" shall mean any structure, public or private, that is adapted for occupancy, for transaction of business, for rendering professional services, for amusement, the display, sale or storage of goods, wares, or merchandise, or for the performance of work or labor, including - but not being limited in its application to hotels, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, work shops, factories, and all out-buildings, sheds, barns, and other structures and premises used for business purposes.

E ~~F~~. The term "**residence building**" shall mean any structure which is used for the housing and living quarters.

F.G. The term "**yard waste**" shall mean organic materials that can be composted and shall be limited to yard and garden materials such as grass, leaves, weeds, and flower and vegetable garden waste.

G. The term "**rubble**" or "**construction debris**" shall mean inert type materials such as bricks, untreated lumber, sheet rock or shingles that can be disposed of in a non engineered landfill cell as defined by state law.

**Source:** R.O. Pierre, 1957, 7.0201; Ord. 676; and Ord. No. 1033, 1980. Ord. No. 1319, 1992, Ord. 1448, 1999.

### **Section 7-3-102. Equipment for hauling refuse and yard waste - secured loads.**

No vehicle shall be used for hauling refuse or yard waste that is not secured or covered so that no spillage may occur on the streets or on the road to the point of disposal. The point of disposal includes all city owned and operated solid waste facilities, landfills and recycling drop offs.

The penalty for failing to secure and/or cover loads as stated above will result in a fine of ~~\$10.00 if paid within 24 hours of issuance~~ \$50.00 due at the scale at the time of the infraction. If not paid within 24 hours, the fine will be ~~\$20.00- doubled.~~ The fine for a second violation will be \$20.00. Any and each additional violations of unsecured loads will be subject to an additional \$25 per offense (i.e. second offense \$75, third offense \$100, etc.).

**Source:** R.O. Pierre, 1957, 7.0203; Ord. No. 676, 1957; Ord. No. 859, 1972; Ord. No. 959, 1977, and Ord. No. 1033, 1980; Ord. No. 1319, 1992; Ord. No. 1322, 1993; Ord. No. 1400, 1997; Ord. 1448, 1999.

**Statutory reference:** SDCL 9-32-11, municipal garbage disposal systems. SDCL 34A-6-1.6.

**Cross reference:** Sections 10-10-101, et. seq., licensing refuse haulers.

### **Section 7-3-103. Equipment for storing refuse and yard waste - requirements of containers -time of storage.**

Solid waste shall be removed at least three times weekly from all restaurants, locker plants, grocery stores, and other commercial places of business where putrescible wastes accumulate during the time between June 1 and September 15. If odor and disease vectors become problems the solid waste shall be dumped more frequently to avoid such nuisances.

Solid waste shall be dumped at least once weekly from all restaurants, locker plants, grocery stores, and other commercial places of business, where putrescible wastes accumulate, during the time between January 1 through May 31 and September 16 through December 31. If odor and disease vectors become problems, the solid waste shall be dumped more frequently to avoid such nuisances.

Solid waste from all restaurants, locker plants, grocery stores, and other commercial places of business where putrescible waste accumulates and is stored in self-contained systems, shall be dumped at least once weekly during the time between June 1 and September 15 and bimonthly during the time between January 1 through May 31 and September 16 through December 31. These systems shall use methods to control odors in the containers on site. Odor control methods shall include neutralizing/deodorizing powders or granules or other methods approved by the Solid Waste Manager. If odor and disease vectors become problems, the solid waste shall be dumped more frequently to avoid such nuisances.

**Source:** R.O. Pierre, Ord. 1448, 1999.

**Statutory references:** SDCL 9-32-10, refuse in public places; and, SDCL 9-32-11, municipal garbage disposal system.

#### **Section 7-3-104. Preparation of refuse and yard waste for city collection - exclusion of certain items.**

The City Collection Service will pick up from residences only and will not pick up from any business or business building.

All refuse to be collected by the City Collection Service shall be placed in special plastic bags purchased from the City Finance Office, Solid Waste Facility, or other authorized locations. The bags shall be tied to prevent the scattering of the contents. Each bag shall contain only that amount of refuse which will allow the bag to be picked up without rupturing. The bags may or may not be placed inside metal cans, but shall be securely tied in either case.

Bags shall be purchased at a rate set by the City Commission and said rate shall include the cost of the bag, collection cost, and disposal cost.

All solid waste shall be well drained before placing the same in the containers above described.

~~All yard waste to be collected by the City Collection Service shall be placed in special bags purchased from the City Finance Office, Solid Waste Facility, or other authorized locations. Each bag shall contain only that amount of yard waste which will allow the bag to be picked up without rupturing.~~

**Source:** R.O. Pierre, 1957, 7.0204; Ord. No. 859, 1972; and Ord. No. 1033, 1980, Rev. of Ord., 1990; Ord. No. 1319, 1992; Ord. No. 1401, 1997; Ord. 1448, 1999.

**Statutory reference:** SDCL 9-32-11, municipal garbage disposal system.

#### **Section 7-3-105. Collection of refuse and yard waste - placement of refuse containers.**

The City Collection Service shall pick up solid waste at least once per week from all residences on schedules designated by the solid waste manager. ~~City yard waste shall be collected once a week from all residences during the time period designated by the Solid Waste Manager.~~ The days for residential solid waste and yard waste collection by private business shall be designated by the business that is providing the collection service. Commercial collection frequency shall adhere to the requirements of Section 7-3-103.

Refuse and yard waste containers, and bags shall be placed in the boulevard or at the alley line or other location as necessary for convenient pickup. Refuse and yard waste containers, and bags shall not be left on the street, boulevard, or sidewalk for a period longer than 24 hours, unless specifically permitted by the City Commission.

Residential solid waste and yard waste picked up by private haulers shall be picked up in accordance with the requirements of this section. Waste placed in containers shall be bagged prior to being placed in containers.

If there is no alley access for the collection of refuse for multifamily complexes, the container may remain in the boulevard or other location as designated by the Solid Waste Manager.

**Source:** R.O. Pierre, 1957, 7.0205; Ord. No. 676, 1959; and Ord. No. 1033, 1980, Rev. of Ord., 1990; Ord. No. 1319, 1992; Ord. No. 1396, 1997; Ord. 1448, 1999; Ord. No. 1526, 2002;

**Statutory reference:** SDCL 9-32-11, municipal garbage disposal system.

#### **Section 7-3-106. Refuse truck weight limits.**

Trucks used for regular daily residential solid waste and yard waste collection, and commercial solid waste, shall adhere to all state size and axle weight limitations and shall, under no circumstances, exceed a total gross weight of 55,000 pounds.

**Source:** R.O. Pierre, Ord. 1448, 1999.

**Statutory reference:** SDCL 9-32-11, municipal garbage disposal system. SDCL 32-22-16 and 32-22-42.10, garbage truck weight limit.

**Section 7-3-107. Designation of city landfill, compost and special waste sites by commission - no dumping at any other place - authority of city landfill supervisor.**

All refuse and solid wastes shall be disposed of at ~~the sites~~ selected and approved by the City Commission, commonly called the City Solid Waste Facility ~~and Landfill or Regional Landfill~~. All yard waste shall be free of all inorganic materials and shall be ~~disposed of~~ deposited at the Compost Site or alternate deposit area, as selected and approved by the City Commission. Such sites shall be kept and maintained in such manner as to cause as little nuisance or inconvenience as practicable to adjacent property owners and residents.

It shall be unlawful for any person to deposit, or cause to be deposited, any refuse or solid wastes at any other place, public or private, than that designated by the City Commission as the City Regional Landfill, or at ~~a the~~ designated organized collection area. No persons disposing of refuse and solid wastes at said City Solid Waste Facility and Landfill shall deposit the same at any other place, except as designated by the Solid Waste Manager, or his designee, of said City landfill, when so instructed by said Manager.

Special wastes, scrap metals, trees and brush materials shall be deposited only at those areas designated by the supervisor or his designee for that specific waste.

The City Commission shall regulate the hours of operations at the Solid Waste Facility and Landfill.

No person shall scavenge any material from the landfill.

The City Commission hereby confers police powers upon the Solid Waste Manager, or his designee, for the sole purpose of enforcing the provisions of this article.

**Source:** R.O. Pierre, 1957, 7.0209; Ord. No. 654, 1957; and Ord. No. 1033, 1980; Ord. No. 1218, 1988, Rev. of Ord., 1990; Ord. No. 1319, 1992; Ord. 1448, 1999.

**Statutory references:** SDCL 9-32-10, refuse in public places; and, SDCL 9-32-11, municipal garbage disposal system.

**Section 7-3-108. Special materials accepted at landfill-certain materials excluded from landfill.**

Materials which require special handling shall include asbestos-containing materials, contaminated soils, fuel tanks, pesticide containers, and tree stumps exceeding twenty-four (24) inches in diameter. Notice shall be given to the landfill at least 24 hours prior to disposal, and documentation forms shall be completed as required by the ~~office of the~~

~~director of public works~~ Solid Waste Manager. Fees for special materials shall be set by the City Commission.

The ~~City~~ Regional Landfill shall not accept any hazardous materials, ~~dirt~~, asphalt, or concrete for disposal. Rubble and construction/demolition debris shall be disposed of in a designated area at the landfill. Asphalt and concrete, ~~free of rebar and other metal material and other recyclable materials~~, shall be stored in designated areas and be recycled.

**Source:** Ord. No. 1319, 1992; Ord. 1448, 1999.

### **Section 7-3-109. Fees for landfill disposal.**

All solid waste ~~disposed of~~ accepted at the City Solid Waste Facility and Landfill shall be weighed upon entrance and charged according to fee schedules set by the city commission.

### **Section 7-3-110. Disposition of salvageable material.**

The city commission shall be authorized, in accordance with law, ~~to call for bids for to enact a resolution to establish policies and requirements for the purchase, acquisition, sale or transfer of any solid waste, salvageable, salable, or recyclable material, and shall be permitted and allowed to enter into contracts on a fixed basis with the successful bidder, for sale and disposition of salvageable, salable, and recyclable material, and shall be entitled to make subsequent resales under said contract without rebidding, provided, however, that such contract, as entered into with successful bidder or bidders, shall be subject to a termination clause by either party on thirty (30) days written notice. The bidding procedure as herein provided shall conform to the standard bidding procedure as undertaken by the city, in accordance with all other of its standard and normal bidding procedures.~~

**Source:** Ord. No. 1319, 1992; Ord. 1448, 1999.

**Statutory references:** SDCL 7-33-6, policies for sale of materials; SDCL 34A-6-63.1, exempts from chapters 5-18A & 6-13.